BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

SUPREME CT. CASE NO.: 06-1376

INQUIRY CONCERNING JUDGE
STEVEN J. DE LAROCHE
NO.: 06-22
_____/

JUDGE'S WRITTEN ANSWER TO AMENDED CHARGES and DEMAND FOR HEARING IN VOLUSIA COUNTY

The undersigned, Steven J. deLaroche, (hereinafter, Respondent), by and through his undersigned counsel, pursuant to Rule 9 of the J.Q.C., hereby answers the respectively-numbered paragraphs of the Amended Notice of Formal Charges dated October 11, 2006, saying:

As to Charge No. : 1

The allegations are denied as phrased. It is admitted that this matter was brought to Judge deLaroche's attention by attorney George Kipling Miller in June of 2005. Judge deLaroche recalls that Mr. Miller requested that the Judge sign an order that was represented to be an order that had already been determined to be the action that the assigned judge had indicated would be taken. Judge deLaroche's action in entering the order was based upon this understanding of what he was being asked to do. He therefore did not commit any violation of the Judicial Canons in his response to an attorney who asked him to sign an order which had been represented to the court to be an order which another judge indicated would be signed.

It is Judge deLaroche's recollection of events that Attorney Miller represented to the court that Judge Hamrick had granted the motion previously and had asked him to prepare a proposed order in accordance with his ruling. Respondent had no reason to doubt these representations.

Thereafter, Judge Hamrick came to Respondent's chambers to question why he had entered this Order. Respondent explained to Judge Hamrick what had happened

and when he learned that Judge Hamrick did not want such an order entered, the Respondent immediately vacated the previously signed order and handed it back to Judge Hamrick.

The statement contained in the charging document is that the Respondent vacated the order for "lack of jurisdiction." There is an apparent difference in the memory of Judge Hamrick and Judge deLaroche, in that apparently Judge Hamrick does not recall Respondent stating to him that Mr. Miller had told him that he this was an order that Judge Hamrick had indicated that he would sign and that he believed that Respondent vacated it because he lacked the jurisdiction to hear the case. Respondent respectfully states that his memory differs in regards to these facts.

Attorney Miller was immediately advised of the vacated order and Attorney Miller's office prepared a Notice of Hearing on his Motion to Vacate Sentence on July 6, 2005 and the notice was filed with the clerk the same date. The hearing was held on July 14 and the motion was denied. At no time did the defendant have his driver's license suspension revoked and there was no harm which resulted from Judge deLaroche acting in good faith to the request of attorney Miller based upon the events as he recalls them having occurred. Judge deLaroche never had any prior professional or personal relationship with Mr. Miller. Judge deLaroche had never met, nor had any personal knowledge of the defendant, Silvas.

As noted above, there is an apparent discrepancy in the recollection of events by the persons involved. However, a transcript of the July 14, 2005 hearing establishes that Judge Hamrick brought up the matter of the prior order with Mr. Miller at the close of the hearing. Attorney Miller's responses as to how this occurred are understandably cryptic and guarded. He advised Judge Hamrick that he had not filed the Motion with the Clerk, "I --I just filed it with him in chambers. I just happened to say, here's a motion, Judge; will you consider this? And then he did. And that lead to it being vacated." There was no further colloquy between judge Hamrick and Mr.

Miller in the hearing as to what happened at the time he brought the Motion to Respondent. Under these circumstances, Respondent denies that has committed any act which violates the Canons of Judicial Ethics.

As to Charge No.: 2

Respondent denies that he violated Canons 1 and 2A on November 30, 2005, in resolving the issues concerning a traffic citation issued to Jennifer Lopez. This traffic citation was dismissed in "open court" on November 30, 2005. It is admitted that during that time he was assigned to hear criminal traffic misdemeanors. However, it is denied that as a county court judge that he would lack jurisdiction to resolve a uniform traffic citation. Respondent believed that he had such jurisdiction under these circumstances. Such tickets are routinely handled in Volusia County by a special hearing officer who is a local attorney unless it is requested by the defendant that the matter be heard by a county court judge. County court judges hear traffic citations as well as other matters.

This ticket was dismissed on grounds which were within the discretion of a county court judge. This dismissal was in fact legally justified. The face of the ticket shows that the law enforcement officer issued a citation for violation of Fla. Stat. 316.077 (1) or (3). The written statement indicated, "... failure to obey a posted speed sign." It is the requirement of the law enforcement officer to properly set forth the statute that has been allegedly violated so that the defendant has a due process right to defend the allegation.

It was the policy of the Respondent to strictly construe the statute against the police officer in such a situation because if the court informed them of their error and then allowed them to amend the ticket at the time of the hearing it would give the public an impression of favoritism directed towards law enforcement.

In this case, the law enforcement officer wrote a ticket for the wrong offense and set forth an incorrect statute number. Fla. Stat. 316.077 (2005) provides for punishment

for "Display of unauthorized signs, signals or markings." This statute has nothing to do with disobeying a traffic sign as indicated above, and it did not give the defendant fair notice of what she was charged with at the time the citation was issued. Subsection 1 of said statute states that it is unlawful for a person to place or maintain on any highway an unauthorized sign that purports to be a traffic control device. Subsection 3 states that this also pertains to private property.

As noted above, the file further reflects that Judge deLaroche dismissed the case in "open court" on November 30, 2005 and that the fine was waived. It is important to note that Judge deLaroche did not make this decision based upon any special relationship with the defendant. The matter came to his attention when his judicial assistant advised him that a Mrs. Getz the mother of the defendant had called on November 30, 2005 wanting to find out how she could get the hearing on the ticket that had been requested by her daughter, moved because her daughter was a single mother and could not miss work on that date.

Judge deLaroche asked for the court file to be brought up so he could review the matter. Upon reviewing the court file he recognized that there was an error in the statement of the charges as noted above. circumstances. Ms. Getz contacted the respondent apparently believing that he could answer her question as to how to ask for a continuance because he had represented her approximately 10 years before when he was a private attorney. Neither Ms. Getz, nor her daughter are personal friends of the Respondent. Therefore, Respondent denies that any Canon of Judicial Ethics has been breached.

As to Charge No.: 3

Respondent admits that he dismissed a traffic citation involving his father in law, Hugh Avant and that this action is a violation of the Canons of Judicial Ethics which prohibits hearing matters involving a family member such as this. However, he committed this violation due to unique and extraordinary circumstances as outlined herein.

On December 16, 2005, Mr. Avant and his wife, Lavalle, were in route to a funeral for Judge deLaroche's grandfather. His wife was sick that morning and suffering from the effects of chemotherapy taken as part of her fight with Stage IV breast cancer. They were running late and as a consequence of trying to get to the graveside service on time, he received a traffic citation for exceeding the speed limit. After the services, Mr. Avant contacted Laurie Faunce, Judge deLaroche's judicial assistant, telling her about the ticket, and asking her about the procedures he needed to follow in order to have a judge consider dismissal of a traffic ticket based upon "good cause."

Mr. Avant never discussed the ticket directly with Judge deLaroche. All of his communication was with Ms. Faunce, who advised him that he should write a letter to the court. She made this statement on her own, not conferring with Judge deLaroche, but based upon the fact that she knew that many times the judges reviewed and considered letters from defendants in traffic cases such as this.

Mr. Avant wrote such a letter to the court, however, all of the papers that were once part of the file and which would have been reviewed by the court are not permanently kept by the Clerk's office. Therefore, in this specific instance the written request for dismissal made by Mr. Avant, and the grounds that he set forth in this letter, are no longer in the records of the Clerk's office. However, pursuant to local procedures the letter and the court file were brought to Respondent after the Christmas break and his extended leave due to his severe bereavement over the loss of his grandfather. An Interoffice memo was completed by Deputy Clerk, Pearl Tecarr and directed to Judge deLaroche as a function of policies developed by the clerk's office. The file was then delivered to Judge deLaroche on January 5, 2006 for his review .

Judge deLaroche reviewed the actual facts involving the ticket for the first time

when he reviewed the court file and Mr. Avant's letter on January 5, 2006. His wife had

advised him that her father had received a ticket on the way to the funeral, but what her father intended to do and what was happening with the ticket was not discussed in any detail.

Knowing that he had dismissed traffic tickets for other individuals based upon similar circumstances in the past, Respondent determined that a dismissal was in order and entered same in the record on that date.

As noted above, it is admitted that the matter would have been assigned to either a hearing officer or other county court judge. In this case the matter had not been assigned to Respondent. However, as noted above, be felt that he had the power in these instances to hear traffic matters as they are under the umbrella of the jurisdiction of the county court judges. However, he admits that he can never hear a matter of a family member under any circumstances.

Dr. Richard Greer, is the medical director of Halifax Behavioral Services, a department at Halifax Medical Center, the areas largest medical facility. He was also the past director and chair of the psychiatric department at the University of Florida School of Medicine and Shands Hospital. Dr. Greer professionally examined Respondent and concluded that he was suffering from a medically significant depressive disorder on January 5, 2006. It was his medical opinion that these medical conditions and the depth of depression from the grieving process, lead to a profound clouding of judgment and an inability to make simple decisions during that time period.

Judge deLaroche was still very much in grief when he returned to his duties on January 5, 2006, but he felt compelled to do so because the other County Court judges were out of town at the annual judge's conference at Amelia Island. He came to work out of a sense of duty and in his effort to get as many things resolved as possible, reviewed the letter attached to the court file on his desk and rendered what he felt to be

a just result due to the extenuating circumstances facing Mr. Avant on the date of the funeral.

Thus, he admits that a violation of his judicial ethics occurred under these circumstances, but submits that there are mitigating circumstances in the context of the aforesaid depression.

As to Charge No.: 4

Respondent again denies that he committed any violation of the Judicial Canons in resolving the issues surrounding a traffic citation issued to Jennifer Lopez for a different traffic offense from that set forth in Charge No. 2. As more particularly set forth below, he acted at all times within the proper boundaries and within the discretionary powers exercised by a county court judge in this circuit dealing with a ministerial function of the court.

According to court records, Lopez was issued a citation for careless driving on December 21, 2005. In accordance with Florida law, Lopez elected to take the Florida "on-line" driving school in lieu of a trial or other disposition. She successfully completed the traffic school requirements and a "certificate of completion" was in the court file prior to any action taken by Judge deLaroche. It was filed with the clerk on December 26, 2005. On the morning of January 23, 2006, Judge deLaroche was hearing non-jury matters in open court. Mrs. Getz explained to Judge deLaroche that she had come to the courthouse for the purposes of paying her daughter's fine and court costs, which would be imposed even though her daughter had completed driving school. Mrs. Getz was advised by employee of the clerk's office that they could not accept her tendered payment and that the fine would have to be paid personally by the defendant Mrs. Getz was further told that if her daughter's fine was not paid on that date that her driving privileges would be suspended. Therefore, she believed the problem was of an urgent nature and required assistance.

Judge deLaroche inquired of the deputy traffic clerk who was working the front desk of the Clerk's Office at the Volusia County Courthouse Annex if this policy was

indeed in place and he was advised that this was the case. He asked the deputy traffic

clerk if he should could accept the money from Ms. Getz and she told Respondent that she could not. He further learned in that conversation with this deputy clerk on that date that he had no option or power to override the payment policies of the clerk's office and he did not believe that he had the authority to circumvent the clerk's responsibility to set such payment policies. Judge deLaroche asked the Clerk whether the only option he had was to dismiss the ticket, to which she replied, "yes." However, two days later he found out that these representations were incorrect and that he could override this procedure and direct that a parent's check could be accepted for a child in such a case. This was stated to him by Darlene Patt, the traffic supervisor in the clerk's office for the East side of Volusia County.

He therefore determined that since Ms. Lopez had successfully completed driver's school and fulfilled her statutory right to avoid points being assessed against her license by a lack of adjudication through this process that he had the right to dismiss the ticket and thereby avoid the dilemma created by the clerk's requirement that only the designated defendant herself could right a check to cover her fine and court costs. This dismissal did not change the outcome of the case in any substantive manner, in that the election to take and complete driving school operates as an adjudicatory process and by law, if completed, results in a lack of points or a finding of guilt on the part of the defendant.

The fact that the matter was not assigned to Respondent is not an issue in this instance because if the money had been accepted, no judge would have seen the case at any time. The only effect by his action was to waive the fine that would otherwise have been imposed. This act under these circumstances dealt with a ministerial function. It was within the Respondent's powers to administer such an act. He did not abuse his discretion in doing so. He was attempting to find a just result based upon the actions of the clerk's office. He determined that a dismissal was a just result given the

misinformation from the deputy clerk was arbitrary and appeared to lack legal

justification. It is true that he was advised by the clerk that he could not direct the clerk to accept the mother's money (i.e., override this mistaken policy statement), but his decision to dismiss was in order to find a "just" result not to circumvent lawful procedures as suggested by the allegations herein.

The dismissal of the ticket under these precise circumstances was entered in the record on January 23, 2006. In that the clerk had given the defendant's mother misinformation and the inability to pay would have resulted in a suspended license, the Respondent acted in the interests of justice, not out of any ill or improper motive or consideration.

As to Charge No.: 5

Respondent denies that he committed any violation of the Judicial Canons in resolving the issues surrounding this citation. As more particularly set forth below, he acted at all times within the proper boundaries and within the discretionary powers exercised by a judge in this circuit. The entire matter was conducted in open court and his dismissal of this citation was within Respondent's sound judicial discretion.

On February 14, 2006 Judge deLaroche was presiding over hearings and non-jury trials of 26 different defendants. Attorney James Evans had represented several defendants in hearings in front of Judge deLaroche on that day. His law partner, attorney Alexander, was charged with a violation of Florida Statute 316.0741 - "High Occupancy Vehicle Lanes." The Respondent, based upon his discretionary right to take judicial notice of the Florida Statutes, knew that there were no high occupancy vehicle lanes in Volusia County. The Assistant State Attorney, Michael Rodriquez, recalls that the Respondent asked the State what action it would recommend to the court to take on the citation under these circumstances and he recommended that the citation be dismissed. Thereafter, the court entered the dismissal in open court and instructed Attorney Evans to advise his client / partner that the case had been dismissed.

The Respondent has no recall as to the matter coming up initially at a "Super

Bowl" party at which both Mr. Alexander and the Respondent were present. He admits that he was at such a party. He cannot state when he received the ticket or that how the citation was first brought to his attention. The Respondent is unable to respond to an allegation that the relief "was not requested by the litigant." If this means that the defendant did not personally appear in court on that date, this is admitted. However, the matter was discussed on the record and the defendant's law partner, who would be acting as his legal representative was present. Cases are routinely resolved with just the legal representative present.

As with the other charges set forth above, the Respondent affirmative states that he had no ongoing personal or past professional relationship with Mr. Evans, Mr. Alexander, or any members of their family. He had worked with Mr. Evans 12 years before this in the State Attorney's office, but they were in separate divisions and they had very little contact with each other. He has never been in either man's home, nor have they been in his. Mr. Alexander was one of many other people at a "Super Bowl" party where the Respondent was one of the other guests. The fact that both Respondent and Mr. Alexander were present at the same party was merely a coincidence.

Respondent dismissed the case based upon legally justified grounds. He believed that he had the jurisdiction as a County Court Judge to do so. He believed that he acted properly in dismissing the case in open court in the presence of the State of Florida, the court reporter, Clerk of Court and any other person who would have been present in open court that morning. Thus, he was not hiding any of his actions believing that he was, "doing a favor for someone, providing preferential treatment, or acting outside his bounds of authority as a judge."

He acted under his judicial philosophy that if traffic cases should be dismissed on legal grounds then this should be done as expeditiously as possible. However, he

affirmatively admits that this was a mistake in judgment on his part in that it gave an

impression of preferential treatment when this was not his intent nor his purpose.

As to Charge No.: 6

Respondent denies that the foregoing charges represent "a pattern and practice of deliberate misconduct." This is a conclusory allegation, contrary to the Rules of Civil Procedure, which generally govern these proceedings. See: Rule 12. There is an absence of specific facts to substantiate this additional allegation and charge.

Respondent denies that he at any time deliberately violated Canon 1 (upholding the integrity of the judiciary) or Canon 2A (the appearance of impropriety). In every instance set forth above, he was trying to fairly and efficiently administer justice. The matters were brought to his attention in different ways, but in each instance he was asked to review that matter within his sound discretion as a county court judge. All of the charges involve a traffic citation in some form or another. He believed that the county court judges had the authority to resolve such matters. In each instance, he made a full record of what he did and the action taken was then filed with the clerk of court. In some instances, the disposition was entered on the record in open court in the presence of court reporters, the State Attorney, the clerk, and members of the public or other attorneys.

Logically, if the Respondent thought that he was doing anything improper or otherwise outside of his discretionary powers and jurisdiction, he would not have proceeded to create a record of these actions or make his statements in open court as he did in these various cases. All of the dismissals are recorded in the record of the Clerk's office. In each instance, he can explain the judicial reasoning behind the dismissal. It is important to note that there is not a single dismissal which lacked reasonable grounds fro dismissal. Not one dismissal involves a case where a person just wanted to "get off the ticket" or that it was dismissed as a favor by the court to a litigant or friend, solely because of such a relationship. This fact distinguishes this case

sharply from cases where tickets have been dismissed without any cause whatsoever, other than an

apparent relationship of some kind between the court and the litigant.

Respondent denies that the fact that there are a variety of offenses establishes a pattern of intentional misconduct or an intentional pattern to disregard his judicial responsibilities and the Judicial Canons. All of the tickets involved stem from different types of people coming into contact with the court. In each case the reason for asking the Respondent to review the matter were different. In each case he reviewed the legal question raised, such as the propriety of the charging document, or the merits of the extenuating circumstances that the litigant was presented with and ruled accordingly. In each case, a reasonable jurist reviewing the matter within his or her sound judicial discretion could reach the same defensible position. None of the tickets were modified and where they were written incorrectly by the police officer involved, they faced the same legal challenge regardless of who heard the matter. If these were speeding tickets such as radar tickets where the correct statute was cited and the ticket was facially defensible, and they had all been dismissed "just because," we would be facing a different situation. However, this is not the case in any of the citations. The Respondent has provided clear and detailed reasons as to why he acted in each manner in the way that he did. None of the reasons for dismissal involved simply the fact that he knew the litigant. Therefore, Respondent denies that such an inference should be given so as to charge him with a pattern of "deliberate" misconduct.

As to Charge No.: 7

a. It is admitted that Respondent entered an order at the request of Attorney Miller. It is further admitted that this order was vacated immediately upon contact by Judge Hamrick that he did not approve of the order being entered. It is admitted that Respondent has stated that Mr. Miller indicated that the motion had been approved by Judge Hamrick. This is how Respondent recalls the conversation that took place the

day that Mr. Miller brought the order to him to sign. He denies that he made a false statement in this regard because this is how he recalls the events of that day.

b. It is admitted that this in part what Respondent recalls from the contact with Judge Hamrick on the date that Judge Hamrick came to Respondent's office to discuss the order which had been signed. It is denied that this is a false statement. It is a partial statement from the affidavit and this affidavit was submitted based upon the Respondent's recollection of events and not for the purposes of deceiving the panel or misrepresenting what occurred at that time.

c. It is admitted that this was a statement made in the affidavit. The statement is truthful from the standpoint of Respondent and was provided based upon his recollection of events.

It is denied that Respondent has violated Canons 1 and 2A with respect to the foregoing charges.

As to Charge No.: 8

a. Respondent admits that he states on pages 25 and 26 of the transcript that he said at the hearing the following:

> Mr Tate: The bench never made that order?
>
> Judge deLaroche: No, sir. What the major problem in this case was there had never been a hearing. It was represented to me that there had been a hearing, and there wasn't a hearing. Later on, on July 14th, the hearing occurred. When Mr. Miller came to see me, it was in mid June, a full month before this happened.
>
> Mr. Tate: Let me get this straight. You are representing that an attorney came to see you and made a representation to you that an order was prepared based upon a hearing?
>
> Judge deLaroche: Yes, sir.

The entire transcript should be read in its entirety on this point in that it explains the fact that the Respondent had not had any prior issues where he would have

suspected that this attorney was misleading him. He states on page 24 of the same transcript, "This was a very unusual and rare circumstance. I was dealing with an attorney who had been in front of me for five and a half years that had never given me

any cause whatsoever to doubt his word. And I asked him, "Are you sure that this is what is supposed to happen?" He said, "Yes" and "It's a very urgent situation." Would I please take care of it. So based upon his representations, I had-- I did that."

Respondent did not make these statements knowing that they were false or to mislead the Investigatory Panel. He made them based upon his recollection of the events. He denies that these are false statements as alleged.

b. Admitted, in the context of the full statements as set forth in (a.) above. Respondent did not make these statements knowing that they were false or to mislead the Investigatory Panel. He made them based upon his recollection of the events. He denies that these are false statements as alleged.

c. Denied as phrased and as represented to have been said by the Respondent on page 29 of the transcript. The comments on page 29 were statements recording an exchange between Mr. Tate and Respondent's attorney. Pages 84 and 85 do contain statements made by Respondent. The general context of this allegation should be reviewed in the entirety of the statements made by Respondent on this question. Respondent specifically admits that he states in the transcript on page 85:

> Ms. Ross: You specifically told Judge Hamrick that the lawyer had lied to you?
>
> Judge deLaroche: Yes. But -- now, I said that -- I don't know if I used the word, "lie," but yes, that's certainly *what I implied* and not in so many words said.

Respondent did not make these statements knowing that they were false or to mislead the Investigatory Panel. He made them based upon his recollection of the events. He denies that these are false statements as alleged.

d. The only comments made by the Respondent as to Mr. Miller and talking to him in chambers on the pages referenced in the Notice of Amended Charges are contained in lines 1 - 12 of page 43. The remainder of the comments on pages 43 and 44

are between counsel and Judge Young. He states that he "chewed him out... and I told him that if it ever happened again I would certainly report him to the Florida Bar."

Respondent did not make these statements knowing that they were false or to mislead the Investigatory Panel. He made them based upon his recollection of the events. He denies that these are false statements as alleged.

As to Charge No.: 9

a. Denied as phrased. Respondent specifically stated in the hearing on this point the following:

> "*If I recall,* there was -- prior to the hearing on February 14th Mr. Evans was trying to talk to me about Mr. Alexander's traffic ticket and I told him that I didn't have time, that I needed to start and to please talk to the prosecutor about it."

Respondent did not make these statements knowing that they were false or to mislead the Investigatory Panel. He made them based upon his recollection of the events. He denies that these are false statements as alleged.

b. Denied as phrased. This allegation is taken of context and should be read *in para materia* with the beginning sequence of questioning in this regard found on pages 73 and 74 of the transcript . In asked about how the ticket was brought up on the day of the hearing, the Respondent states on page 74, "Can I go with I don't know?" The Chairman responded that "You can go with I don't know. I 'm going to ask a follow up question in regard to that." This question lead to Respondent stating that he could not see how he could have been the first one to bring it up. Then, he goes on to state that he recalls that Mr. Evans made a specific request that this traffic citation be dismissed. Respondent did not make these statements knowing that they were false or to mislead the Investigatory Panel. He made them based upon his recollection of the events. He denies that these are false statements as alleged, however, it should be stated as to this allegation that he was repeatedly unsure of the events of that date when questioned.

c. Respondent admits making statements that he discussed the ticket with the state attorney before it was dismissed. Respondent did not make these statements knowing that they were false or to mislead the Investigatory Panel. He made them

based upon his recollection of the events. He denies that these are false statements as alleged.

As to Charge No.: 10

Respondent denies that his affidavit and testimony before the panel lacked "candor in material respects." To the contrary, Respondent repeatedly stated that he regretted taking the action which he did. For example, he states on page 7o with respect to the dismissal of the Alexander ticket that "I truly, truly, regret doing that." That he did it to expedite matters and that after examining these events, "I truly regret being involved in all of them. You have no idea the depth of my regret, particularly the one involving my father-in law. That was the stupidest thing I've ever done in my entire life." (Page 71). This shows a frankness and not a lack of candor.

General Denial:

With the exception of the allegations involving his father-in law, Respondent denies that he violated Canons 1 and Canon 2A as set forth on page 5 of the Notice of Formal Charges.

Mitigating Circumstances:

1. With respect to the Canon 3E (1) (d) violation: Respondent, as note above, lost a significant member of his family, who had acted as his "father figure" most of his life. Due to these circumstances, as set forth above, he was in suffering from a severe depression, which a psychiatrist has stated would have impaired his judgment during this time period. He did not know that he was experiencing this depression at that time. He was attempting to perform his duties during the time period of January 5, 2006 through the end of February while laboring with this illness. It is submitted that this impairment on his judgment capabilities affected his exercise of normal judgment

during this time period.

2. None of the matters set forth herein were based on any ill-motive, desire for financial gain, or the expectation of personal gain at any time. The matters were

brought to the attention of the court by the various people involved and he believed he was doing the right thing in resolving the citations after he understood the reasons that a dismissal would be warranted. Each case had it own set of merits and was reviewed independently. Each case was acted upon in full recognition by the Respondent that there was a "record" of his actions. Thus, he was not hiding anything that was done. He believed that what he was doing was proper and the reasons that he was doing it was justified in each instance. In several instances, the case was resolved in "open court."

3. The Respondent has no prior ethical complaints as of any kind against him.

4. Respondent fully admits to the violation of the Canons in dismissing his father in law's citation, regardless of the justification or reason for doing same. He admits that he was mistaken in accepting jurisdiction over citations that were not specifically assigned to his division, but he did not make this mistake deliberately in that he believed that all County Court judges had the authority to oversee the resolution of traffic citations, in that they routinely were a part of other matters that they would be handling.

5. Respondent regrets that his actions in these instances have placed any level of suspicion on the integrity of the judicial branch of government in the State of Florida but he believes that he is still a young jurist who having made these mistakes, can learn from the mistakes and become even a better jurist in the future.

6. Respondent is regarded by his peers as a compassionate and conscientious jurist. He is hard working and committed to serving his community in this office of great public trust.

7. Respondent voluntarily, and at his own expense, submitted to an audit of his personal finances and presented a report from a Bar approved CPA auditor that there was no financial relationship or gain from any of the witnesses or persons involved in these citations.

DEMAND FOR HEARING IN VOLUSIA COUNTY

Pursuant to Rule 9 of the Rules of the Judicial Qualifications Commission, it is affirmatively stated, that Respondent is a resident of Volusia County, Florida and therefore requests that all hearings in this matter take place in said county.

Respectfully Submitted**,**

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Attorney for Respondent

CERTIFICATE OF SERVICE

In accordance with the directions set forth in the Amended Notice of Formal Charges, a copy of this Response has been sent to Laurie Waldman Ross, Esq. Two Datran Center, Suite 1612, 9130 South Dadeland Blvd., Miami, Florida 33156-7818; Marvin Barkin, Esq. 101 Kennedy Blvd., Suite 2700, Tampa, Florida 33602; and to Thomas D. Hall, Clerk of Court, The Florida Supreme Court, 500 South Duval Street, Tallahassee, Florida 32399-1927 via mail and e-mail at e-file@flcourts.org in Microsoft Word format this 31st day of October, 2006.

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